

MINUTES
RULES COMMITTEE OF THE COMMISSION FOR MH/DD/SAS
HOLIDAY INN NORTH (HIGHWOODS)
JULY 10, 2002

Attending:

Commission/Committee Members: Floyd McCullouch, Chair, Pender McElroy, Pearl Finch, William Sims, Lois Batton, Martha Martinat, Dorothy Crawford, George Jones, Mansfield Elmore, Anna Scheyett, Freddie Turner Stell, Ellen Holliman.

Ex-Officio Members: Carol Duncan Clayton, Ronald Morton, Bob Hedrick, Joe Donovan.

Excused: Martha Macon.

Others: Tara Larson, Cindy Kornegay, Susan Collins, Marilyn Brothers, Jack Blackley, Jeff Horton, Aaron Drennon, Janice Petersen, Jim Jarrard, Don Willis, Marian Hartman, Yvonne Bullock, Philip Veenhuis, Ann Rodriguez, Mike Mayer, Janice Rossi, Diane Pomper, John Crawford, Linda Gunn-Jones, Jennifer Greene, Tara Fields, Stephanie Alexander, Suzan Booker, Charles Franklin.

Handouts: Minutes of the April 3, 2002 Rules Committee Meeting; Minutes of the May 13, 2002 Commission Meeting; Senate Bill 1142; Senate Bill 1143; Policy on Advance Care Directives and Right to a Natural Death; Special Draft Provision of the Expedited Review of Request for Waiver of MH/DD/SA Rules; Comparison of General Assembly Actions with Governor's Recommendations; Supervised Living Proposed Language Changes; Supervised Living Proposed Remaining Text; Supervised Living Proposed Exemptions; Staff Qualifications Proposed Changes; Child Residential Proposed Changes; Child Residential Comments.

Chair Floyd McCullouch called the meeting to order at 10:00 a.m. and welcomed introductions from everyone attending. The Minutes from the April Rules Committee Meeting were approved.

The Legislation Update was given by Tara Larson (see handouts).

The draft special provision regarding the "prompt pay" was discussed by Tara. There was much discussion about how to achieve the timelines for payments and make recommendations to the Commission at the August Meeting. Lois made a motion recommending that the Rules Committee support the concept of prompt pay and that it be handled through a contractual relationship rather than legislation. Martha Martinat seconded the motion and it passed unanimously. A friendly amendment was made by

Ron Morton to recommend to DHHS as opposed to the Commission. Pender McElroy acted on it and it passed unanimously.

Tara presented the Expedited Review of Request for Waiver of MH/DD/SA Rules (see handout). Pender McElroy moved to rewrite the last sentence in Section #.(d) to read: Upon a finding by the Secretary that the request for waiver complies with this section, the request for waiver shall be reviewed and approved or denied as provided in this section by the Secretary or the Commission, as applicable. Martha seconded and the motion passed unanimously.

Anna Scheyett made a motion to add additional language to the legislation that representatives from the Division and the Commission be appointed to realistically get feedback within 10 days. Pender McElroy seconded the motion and it passed unanimously.

Janice Rossi presented the Staff Qualifications Rules. It was recommended to change the language in 10 NCAC 14G .0102 (b)(12) and (13) to reflect the reorganization. It was also recommended to define “human service profession” in 10 NCAC 14G .0102 (b)(39)(A). Further, it was recommended to change throughout the rule “post-baccalaureate” to “post-bachelor’s.”

In 10 NCAC 14V .0104, Item (12), it was recommended that the language be revised to reflect the correct name of the licensing board for professional counselors, to remove Item (16) as Item (10) covers it. Also, change post-baccalaureate to “post-bachelor’s” throughout the rule.

Coalition for Persons with Disabled by Mental Illness comments were presented (see handout). It was recommended to clarify the definition of Licensed Psychologist, as it is not an accurate statement, and cover it under the Psychologist definition. Clarification of Psychiatric Social Worker was also recommended.

Bob Hedrick presented the NC Support Providers Council’s comments regarding the definition of paraprofessionals. A motion was made to accept the change as proposed by Bob Hedrick. Pender McElroy seconded the motion and it passed unanimously.

Pender McElroy made a recommendation to the Commission to approve all the changes to the Staff Qualifications rules. William Sims seconded the motion and it passed unanimously.

Philip Veenhuis addressed the Policy on Advance Care Directives and Right to a Natural Death (see handout). Pender McElroy recommended to present the policy to the Commission and adopt it. Dorothy Crawford seconded the motion and it passed unanimously.

Janice Rossi presented an update on Prevention. Tara Larson announced there are special provisions in the House and Senate to move forward. Floyd McCullouch requested that copies of those special provisions be sent to Commission members.

There was brief discussion regarding the Child Residential rules. Stephanie Alexander announced that the work group recommended not having a separate subchapter as was previously presented. Tara Fields explained that the proposed Level II and Level III treatment rules are contained in the Child Residential Proposed Changes document under 14V .1300 and 14V .1600 rules (see handout). Floyd McCullouch stated that he would like to have the Child Residential Work Group staff continue to work on the Child Residential rules and bring the changes back before the Committee.

Jeff Horton presented the proposed changes to the Supervised Living rules explaining the exemptions and the remaining text. Tara Larson will follow up to be sure that child mh services will not be harmed by this approval of the rules and that DMA's concerns as reported by Jeff are resolved. Tara recommended that the group approve the recommendation as submitted unless the follow up shows some problems. If so, the group will be notified for amendment of the approval prior to the Commission meeting. Pender McElroy moved to recommend the motion be approved. Freddie Stell seconded the motion and it passed unanimously.

Division updates were announced by Tara Larson. She informed the members that the appointment of new chiefs of the Division will be announced soon. She pointed out the major changes in the State plan. Tara Larson informed the Committee that the Chair of the Commission or a designee would participate in the 19-member Advisory Group beginning in August.

New Business: Bob Hedrick asked to step down from his ex-officio membership on the Committee.

Floyd McCullouch appointed Mike Mayer as the new ex-officio member. Pender McElroy and other committee members thanked Bob for all his services to the Committee. Floyd McCullouch suggested writing to Bob Hedrick's supervisor the appreciation of the Committee for his services. Tara Larson will draft letter for Floyd McCullouch's signature.

Martha Martinat announced that Bruce Whitaker resigned from the Commission.

The meeting adjourned at 3:00.